

Calendar No. 392

108TH CONGRESS
1ST SESSION**S. 1866**

To enhance the security of the United States and United States allies.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 14 (legislative day, NOVEMBER 12), 2003

Mr. LUGAR (for himself and Mr. BIDEN) introduced the following bill; which
was read the first time

NOVEMBER 17, 2003

Read the second time and placed on the calendar

A BILL

To enhance the security of the United States and United
States allies.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Security Enhancement Act of 2003”.

6 (b) TABLE OF CONTENTS.—The table of contents for
7 this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.

TITLE I—RADIOLOGICAL TERRORISM THREAT REDUCTION

- Sec. 101. Short title.
- Sec. 102. Findings.
- Sec. 103. Definitions.
- Sec. 104. International storage facilities for radioactive sources.
- Sec. 105. Discovery, inventory, and recovery of radioactive sources.
- Sec. 106. Radioisotope thermal generator power units in the independent states of the former Soviet Union.
- Sec. 107. Foreign first responders.
- Sec. 108. Threat assessment reports.
- Sec. 109. Availability of funds.

TITLE II—GLOBAL PATHOGEN SURVEILLANCE

- Sec. 201. Short title.
- Sec. 202. Findings; purposes.
- Sec. 203. Definitions.
- Sec. 204. Priority for certain countries.
- Sec. 205. Restriction.
- Sec. 206. Fellowship program.
- Sec. 207. In-country training in laboratory techniques and syndrome surveillance.
- Sec. 208. Assistance for the purchase and maintenance of public health laboratory equipment.
- Sec. 209. Assistance for improved communication of public health information.
- Sec. 210. Assignment of public health personnel to United States missions and international organizations.
- Sec. 211. Expansion of certain United States Government laboratories abroad.
- Sec. 212. Assistance for regional health networks and expansion of foreign epidemiology training programs.
- Sec. 213. Availability of funds.

TITLE III—MISCELLANEOUS PROVISIONS

- Sec. 301. Authority to transfer naval vessels to certain foreign countries.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) APPROPRIATE CONGRESSIONAL COMMIT-

4 TEES.—The term “appropriate congressional com-

5 mittees” means the Committee on Foreign Relations

6 of the Senate and the Committee on International

7 Relations of the House of Representatives.

8 (2) DEFENSE ARTICLES.—The term “defense

9 articles” has the meaning given the term in section

1 47 of the Arms Export Control Act (22 U.S.C.
2 2794).

3 (3) DEFENSE SERVICES.—The term “defense
4 services” has the meaning given the term in section
5 47 of the Arms Export Control Act (22 U.S.C.
6 2794).

7 (4) SECRETARY.—Unless otherwise provided,
8 the term “Secretary” means the Secretary of State.

9 **TITLE I—RADIOLOGICAL TER-**
10 **RORISM THREAT REDUCTION**

11 **SEC. 101. SHORT TITLE.**

12 This title may be cited as the “Radiological Ter-
13 rorism Threat Reduction Act of 2003”.

14 **SEC. 102. FINDINGS.**

15 Congress makes the following findings:

16 (1) It is feasible for terrorists to obtain and dis-
17 seminate radioactive material by using a radiological
18 dispersion device (RDD) or by emplacing discrete
19 radioactive sources in major public places.

20 (2) An attack made in the United States or
21 against United States interests by terrorists using
22 radiological material could cause catastrophic eco-
23 nomic and social damage, although it might kill few,
24 if any, Americans.

1 (3) The first line of defense against radiological
2 terrorism is preventing the acquisition of radioactive
3 material by terrorists.

4 **SEC. 103. DEFINITIONS.**

5 In this title:

6 (1) BYPRODUCT MATERIAL.—The term “by-
7 product material” has the meaning given the term in
8 section 11 e. of the Atomic Energy Act of 1954 (42
9 U.S.C. 2014(e)).

10 (2) IAEA.—The term “IAEA” means the
11 International Atomic Energy Agency.

12 (3) INDEPENDENT STATES OF THE FORMER SO-
13 VIET UNION.—The term “independent states of the
14 former Soviet Union” has the meaning given the
15 term in section 3 of the FREEDOM Support Act
16 (22 U.S.C. 5801).

17 (4) RADIOACTIVE MATERIAL.—The term “ra-
18 dioactive material” means—

19 (A) source material and special nuclear
20 material, but does not include natural or de-
21 pleted uranium;

22 (B) nuclear byproduct material;

23 (C) material made radioactive by bombard-
24 ment in an accelerator; and

25 (D) all refined isotopes of radium.

1 (5) RADIOACTIVE SOURCE.—The term “radio-
2 active source” means radioactive material that is
3 permanently sealed in a capsule or closely bonded
4 and includes any radioactive material released if the
5 source is leaking or stolen, but does not include any
6 material within the nuclear fuel cycle of a research
7 or power reactor.

8 (6) RADIOISOTOPE THERMAL GENERATOR.—
9 The term “radioisotope thermal generator” means
10 an electrical generator which derives its power from
11 the heat produced by the decay of a radioactive
12 source by the emission of alpha, beta, or gamma ra-
13 diation. The term does not include nuclear reactors
14 deriving their energy from the fission or fusion of
15 atomic nuclei.

16 (7) SOURCE MATERIAL.—The term “source ma-
17 terial” has the meaning given the term in section 11
18 z. of the Atomic Energy Act of 1954 (42 U.S.C.
19 2014(z)).

20 (8) SPECIAL NUCLEAR MATERIAL.—The term
21 “special nuclear material” has the meaning given
22 the term in section 11 aa. of the Atomic Energy Act
23 of 1954 (42 U.S.C. 2014(aa)).

1 **SEC. 104. INTERNATIONAL STORAGE FACILITIES FOR RA-**
2 **DIOACTIVE SOURCES.**

3 (a) AGREEMENTS ON TEMPORARY SECURE STOR-
4 AGE.—The Secretary is authorized to propose that the
5 IAEA conclude agreements with up to 8 countries under
6 which agreement each country would provide temporary
7 secure storage for orphaned, unused, surplus, or other ra-
8 dioactive sources (other than special nuclear material, nu-
9 clear fuel, or spent nuclear fuel). Such agreements shall
10 be consistent with the IAEA Code of Conduct on the Safe-
11 ty and Security of Radioactive Sources, and shall address
12 the need for storage of such radioactive sources in coun-
13 tries or regions of the world where convenient access to
14 secure storage of such radioactive sources does not exist.

15 (b) VOLUNTARY CONTRIBUTIONS TO IAEA AUTHOR-
16 IZED.—

17 (1) IN GENERAL.—The Secretary is authorized
18 to make voluntary contributions to the IAEA for use
19 by the Department of Nuclear Safety of the IAEA
20 to fund the United States share of the costs of ac-
21 tivities associated with or under agreements under
22 subsection (a).

23 (2) UNITED STATES SHARE IN FISCAL YEAR
24 2004.—The United States share of the costs of ac-
25 tivities under agreements under subsection (a) in fis-

1 cal year 2004 may be 100 percent of the costs of
 2 such activities in that fiscal year.

3 (c) TECHNICAL ASSISTANCE.—The Secretary is au-
 4 thorized to provide the IAEA and other countries with
 5 technical assistance to carry out activities under agree-
 6 ments under subsection (a) in a manner that meets the
 7 standards of the IAEA Code of Conduct on the Safety
 8 and Security of Radioactive Sources.

9 (d) APPLICABILITY OF ENVIRONMENTAL LAWS.—

10 (1) INAPPLICABILITY OF NEPA TO FACILITIES
 11 OUTSIDE UNITED STATES.—The National Environ-
 12 mental Policy Act of 1969 (42 U.S.C. 4321 et seq.)
 13 shall not apply with respect to any temporary secure
 14 storage facility constructed outside the United
 15 States under an agreement under subsection (a).

16 (2) APPLICABILITY OF FOREIGN ENVIRON-
 17 MENTAL LAWS.—The construction and operation of
 18 a facility described in paragraph (1) shall be gov-
 19 erned by any applicable environmental laws of the
 20 country in which the facility is constructed.

21 **SEC. 105. DISCOVERY, INVENTORY, AND RECOVERY OF RA-**
 22 **DIOACTIVE SOURCES.**

23 (a) AUTHORITY.—The Secretary is authorized to pro-
 24 vide assistance, including through voluntary contributions
 25 to the IAEA under subsection (b), to support a program

1 of the Division of Radiation and Waste Safety of the De-
 2 partment of Nuclear Safety of the IAEA to promote the
 3 discovery, inventory, and recovery of radioactive sources
 4 in member nations of the IAEA.

5 (b) VOLUNTARY CONTRIBUTIONS TO IAEA AUTHOR-
 6 IZED.—The Secretary is authorized to make voluntary
 7 contributions to the IAEA to fund the United States share
 8 of the program described in subsection (a).

9 (c) TECHNICAL ASSISTANCE.—The Secretary is au-
 10 thorized to provide the IAEA and other countries with
 11 technical assistance to carry out the program described
 12 in subsection (a).

13 **SEC. 106. RADIOISOTOPE THERMAL GENERATOR POWER**
 14 **UNITS IN THE INDEPENDENT STATES OF THE**
 15 **FORMER SOVIET UNION.**

16 (a) SUBSTITUTION WITH OTHER POWER UNITS.—

17 (1) IN GENERAL.—The Secretary is authorized
 18 to assist the Government of the Russian Federation
 19 to substitute solar (or other non-nuclear) power
 20 sources for radioisotope thermal power units oper-
 21 ated by the Russian Federation and other inde-
 22 pendent states of the former Soviet Union in appli-
 23 cations such as lighthouses in the Arctic, remote
 24 weather stations, and for providing electricity in re-
 25 mote locations.

1 (2) TECHNOLOGY REQUIREMENT.—Any power
2 unit utilized as a substitute power unit under para-
3 graph (1) shall, to the maximum extent practicable,
4 be based upon tested technologies that have operated
5 for at least one full year in the environment where
6 the substitute power unit will be used.

7 (b) CONSULTATION.—The Secretary shall consult
8 with the Secretary of Energy to ensure that substitute
9 power sources provided under this section are for facilities
10 from which the radioisotope thermal generator power units
11 have been or are being removed.

12 (c) ACTIVITIES OUTSIDE FORMER SOVIET UNION.—
13 The Secretary may use not more than 20 percent of the
14 funds available for carrying out this section in any fiscal
15 year to replace dangerous radioisotope thermal power fa-
16 cilities that are similar to the facilities described in sub-
17 section (a) in countries other than the independent states
18 of the former Soviet Union.

19 **SEC. 107. FOREIGN FIRST RESPONDERS.**

20 (a) IN GENERAL.—The Secretary is authorized to as-
21 sist foreign countries, or to propose that the IAEA assist
22 foreign countries, in the development of appropriate na-
23 tional response plans and the training of first responders
24 to—

1 (1) detect, identify, and characterize radioactive
2 material;

3 (2) understand the hazards posed by radioactive
4 contamination;

5 (3) understand the risks encountered at various
6 dose rates;

7 (4) enter contaminated areas safely and speed-
8 ily; and

9 (5) evacuate persons within a contaminated
10 area.

11 (b) CONSIDERATIONS.—In carrying out activities
12 under subsection (a), the Secretary shall take into account
13 the findings of the threat assessment report required by
14 section 108 and the location of any storage facilities for
15 radioactive sources described in section 104.

16 **SEC. 108. THREAT ASSESSMENT REPORTS.**

17 (a) REPORTS REQUIRED.—The Secretary shall, at
18 the times specified in subsection (c), submit to the appro-
19 priate congressional committees a report—

20 (1) detailing the preparations made at United
21 States diplomatic missions abroad to detect and
22 mitigate a radiological attack on United States mis-
23 sions and other United States facilities under the
24 control of the Secretary;

1 (2) setting forth a rank-ordered list of the Sec-
2 retary's priorities for improving radiological security
3 and consequence management at United States mis-
4 sions; and

5 (3) providing a rank-ordered list of the missions
6 where such improvement is most important.

7 (b) BUDGET REQUEST.—Each report under sub-
8 section (a) shall also include a proposed budget to carry
9 out the improvements listed in such report pursuant to
10 subsection (a)(2).

11 (c) TIMING.—

12 (1) FIRST REPORT.—The first report under
13 subsection (a) shall be submitted not later than 180
14 days after the date of the enactment of this Act.

15 (2) SUBSEQUENT REPORTS.—Subsequent re-
16 ports under subsection (a) shall be submitted with
17 the budget justification materials submitted by the
18 Secretary to Congress in support of the budget of
19 the President for the fiscal year (as submitted under
20 section 1105(a) of title 31, United States Code) for
21 each fiscal year after fiscal year 2005.

22 (d) FORM.—Each report shall be submitted in un-
23 classified form, but may include a classified annex.

1 **SEC. 109. AVAILABILITY OF FUNDS.**

2 (a) IN GENERAL.—Of the funds appropriated to the
3 Department of State for fiscal year 2004, up to
4 \$15,000,000 may be used to carry out this title.

5 (b) ALLOCATION OF FUNDS.—Of the amounts made
6 available under subsection (a)—

7 (1) \$4,000,000 may be used to carry out sec-
8 tion 104;

9 (2) \$4,000,000 may be used to carry out sec-
10 tion 105;

11 (3) \$5,000,000 may be used to carry out sec-
12 tion 106; and

13 (4) \$2,000,000 may be used to carry out sec-
14 tion 107.

15 **TITLE II—GLOBAL PATHOGEN**
16 **SURVEILLANCE**

17 **SEC. 201. SHORT TITLE.**

18 This title may be cited as the “Global Pathogen Sur-
19veillance Act of 2003”.

20 **SEC. 202. FINDINGS; PURPOSES.**

21 (a) FINDINGS.—Congress makes the following find-
22 ings:

23 (1) Bioterrorism poses a grave national security
24 threat to the United States. The insidious nature of
25 the threat, the likely delayed recognition in the event
26 of an attack, and the underpreparedness of the do-

1 mestic public health infrastructure may produce cat-
2 astrophic consequences following a biological weap-
3 ons attack upon the United States.

4 (2) A contagious pathogen engineered as a bio-
5 logical weapon and developed, tested, produced, or
6 released in another country can quickly spread to
7 the United States. Given the realities of inter-
8 national travel, trade, and migration patterns, a
9 dangerous pathogen released anywhere in the world
10 can spread to United States territory in a matter of
11 days, before any effective quarantine or isolation
12 measures can be implemented.

13 (3) To effectively combat bioterrorism and en-
14 sure that the United States is fully prepared to pre-
15 vent, diagnose, and contain a biological weapons at-
16 tack, measures to strengthen the domestic public
17 health infrastructure and improve domestic surveil-
18 lance and monitoring, while absolutely essential, are
19 not sufficient.

20 (4) The United States should enhance coopera-
21 tion with the World Health Organization, regional
22 health organizations, and individual countries, in-
23 cluding data sharing with appropriate United States
24 departments and agencies, to help detect and quickly

1 contain infectious disease outbreaks or bioterrorism
2 agents before they can spread.

3 (5) The World Health Organization has done
4 an impressive job in monitoring infectious disease
5 outbreaks around the world, including the recent
6 emergence of the Severe Acute Respiratory Syn-
7 drome (SARS) epidemic, particularly with the estab-
8 lishment in April 2000 of the Global Outbreak Alert
9 and Response network.

10 (6) The capabilities of the World Health Orga-
11 nization are inherently limited by the quality of the
12 data and information it receives from member coun-
13 tries, the narrow range of diseases (plague, cholera,
14 and yellow fever) upon which its disease surveillance
15 and monitoring is based, and the consensus process
16 it uses to add new diseases to the list. Developing
17 countries in particular often cannot devote the nec-
18 essary resources to build and maintain public health
19 infrastructures.

20 (7) In particular, developing countries could
21 benefit from—

22 (A) better trained public health profes-
23 sionals and epidemiologists to recognize disease
24 patterns;

1 (B) appropriate laboratory equipment for
2 diagnosis of pathogens;

3 (C) disease reporting that is based on
4 symptoms and signs (known as “syndrome sur-
5 veillance”) and affords the earliest possible op-
6 portunity to conduct an effective response;

7 (D) a narrowing of the existing technology
8 gap in syndrome surveillance capabilities and
9 real-time information dissemination to public
10 health officials; and

11 (E) appropriate communications equip-
12 ment and information technology to efficiently
13 transmit information and data within national
14 and regional health networks, including inex-
15 pensive, Internet-based Geographic Information
16 Systems (GIS) and relevant telephone-based
17 systems for early recognition and diagnosis of
18 diseases.

19 (8) An effective international capability to mon-
20 itor and quickly diagnose infectious disease out-
21 breaks will offer dividends not only in the event of
22 biological weapons development, testing, production,
23 and attack, but also in the more likely cases of natu-
24 rally occurring infectious disease outbreaks that
25 could threaten the United States. Furthermore, a

1 robust surveillance system will serve to deter ter-
2 rorist use of biological weapons, as early detection
3 will help mitigate the intended effects of such malev-
4 olent uses.

5 (b) PURPOSE.—The purposes of this title are as fol-
6 lows:

7 (1) To enhance the capability and cooperation
8 of the international community, including the World
9 Health Organization and individual countries,
10 through enhanced pathogen surveillance and appro-
11 priate data sharing, to detect, identify, and contain
12 infectious disease outbreaks, whether the cause of
13 those outbreaks is intentional human action or nat-
14 ural in origin.

15 (2) To enhance the training of public health
16 professionals and epidemiologists from eligible devel-
17 oping countries in advanced Internet-based and
18 other electronic syndrome surveillance systems, in
19 addition to traditional epidemiology methods, so that
20 they may better detect, diagnose, and contain infec-
21 tious disease outbreaks, especially those due to
22 pathogens most likely to be used in a biological
23 weapons attack.

24 (3) To provide assistance to developing coun-
25 tries to purchase appropriate public health labora-

1 tory equipment necessary for infectious disease sur-
2 veillance and diagnosis.

3 (4) To provide assistance to developing coun-
4 tries to purchase appropriate communications equip-
5 ment and information technology, including, as ap-
6 propriate, relevant computer equipment, Internet
7 connectivity mechanisms, and telephone-based appli-
8 cations to effectively gather, analyze, and transmit
9 public health information for infectious disease sur-
10 veillance and diagnosis.

11 (5) To make available greater numbers of
12 United States Government public health profes-
13 sionals to international health organizations, re-
14 gional health networks, and United States diplo-
15 matic missions where appropriate.

16 (6) To establish “lab-to-lab” cooperative rela-
17 tionships between United States public health lab-
18 oratories and established foreign counterparts.

19 (7) To expand the training and outreach activi-
20 ties of overseas United States laboratories, including
21 Centers for Disease Control and Prevention and De-
22 partment of Defense entities, to enhance the disease
23 surveillance capabilities of developing countries.

1 (8) To provide appropriate technical assistance
 2 to existing regional health networks and, where ap-
 3 propriate, seed money for new regional networks.

4 **SEC. 203. DEFINITIONS.**

5 In this title:

6 (1) BIOLOGICAL WEAPONS CONVENTION.—The
 7 term “Biological Weapons Convention” means the
 8 Convention on the Prohibition of the Development,
 9 Production and Stockpiling of Bacteriological (Bio-
 10 logical) and Toxin Weapons and on Their Destruc-
 11 tion, signed at Washington, London, and Moscow
 12 April 10, 1972.

13 (2) ELIGIBLE DEVELOPING COUNTRY.—The
 14 term “eligible developing country” means any devel-
 15 oping country that—

16 (A) has agreed to the objective of fully
 17 complying with requirements of the World
 18 Health Organization on reporting public health
 19 information on outbreaks of infectious diseases;

20 (B) has not been determined by the Sec-
 21 retary, for purposes of section 40 of the Arms
 22 Export Control Act (22 U.S.C. 2780), section
 23 620A of the Foreign Assistance Act of 1961
 24 (22 U.S.C. 2371), or section 6(j) of the Export
 25 Administration Act of 1979 (50 U.S.C. App.

2405), to have repeatedly provided support for acts of international terrorism, unless the Secretary exercises a waiver certifying that it is in the national interest of the United States to provide assistance under the provisions of this Act;

(C) is a state party to the Biological Weapons Convention; and

(D) is determined by the United States Government not to have an offensive biological weapons program.

(3) ELIGIBLE NATIONAL.—The term “eligible national” means any citizen or national of an eligible developing country who—

(A) is eligible to receive a visa under the provisions of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.); and

(B) is not currently or previously affiliated with or employed by a laboratory or entity determined by the United States Government to be involved in offensive biological weapons activities.

(4) INTERNATIONAL HEALTH ORGANIZATION.—The term “international health organization” in-

1 includes the World Health Organization and the Pan
2 American Health Organization.

3 (5) LABORATORY.—The term “laboratory”
4 means a facility for the biological, microbiological,
5 serological, chemical, immuno-hematological,
6 hematological, biophysical, cytological, pathological,
7 or other examination of materials derived from the
8 human body for the purpose of providing informa-
9 tion for the diagnosis, prevention, or treatment of
10 any disease or impairment of, or the assessment of
11 the health of, human beings.

12 (6) SELECT AGENT.—The term “select agent”
13 has the meaning applied in the administration of
14 section 72.6 of title 42, Code of Federal Regula-
15 tions.

16 (7) SYNDROME SURVEILLANCE.—The term
17 “syndrome surveillance” means the recording of
18 symptoms (patient complaints) and signs (derived
19 from physical examination) combined with simple ge-
20 ographic locators to track the emergence of a disease
21 in a population.

22 **SEC. 204. PRIORITY FOR CERTAIN COUNTRIES.**

23 Priority in the provision of United States assistance
24 for eligible developing countries under all the provisions
25 of this title shall be given to those countries that permit

1 personnel from the World Health Organization and the
2 Centers for Disease Control and Prevention to investigate
3 outbreaks of infectious diseases on their territories, pro-
4 vide early notification of disease outbreaks, and provide
5 pathogen surveillance data to appropriate United States
6 departments and agencies in addition to international
7 health organizations.

8 **SEC. 205. RESTRICTION.**

9 Notwithstanding any other provision of this title, no
10 foreign national participating in programs authorized
11 under this title shall have access, during the course of such
12 participation, to select agents that may be used as, or in,
13 a biological weapon, except in a supervised and controlled
14 setting.

15 **SEC. 206. FELLOWSHIP PROGRAM.**

16 (a) ESTABLISHMENT.—There is established a fellow-
17 ship program (hereafter in this section referred to as the
18 “program”) under which the Secretary, in consultation
19 with the Secretary of Health and Human Services and
20 subject to the availability of appropriations, shall award
21 fellowships to eligible nationals to pursue public health
22 education or training, as follows:

23 (1) MASTER OF PUBLIC HEALTH DEGREE.—
24 Graduate courses of study leading to a master of
25 public health degree with a concentration in epidemi-

1 ology from an institution of higher education in the
2 United States with a Center for Public Health Pre-
3 paredness, as determined by the Centers for Disease
4 Control and Prevention.

5 (2) ADVANCED PUBLIC HEALTH EPIDEMIOLOGY
6 TRAINING.—Advanced public health training in epi-
7 demiology to be carried out at the Centers for Dis-
8 ease Control and Prevention (or equivalent State fa-
9 cility), or other Federal facility (excluding the De-
10 partment of Defense or United States National Lab-
11 oratories), for a period of not less than 6 months or
12 more than 12 months.

13 (b) SPECIALIZATION IN BIOTERRORISM.—In addition
14 to the education or training specified in subsection (a),
15 each recipient of a fellowship under this section (hereafter
16 in this section referred to as a “fellow”) may take courses
17 of study at the Centers for Disease Control and Preven-
18 tion or at an equivalent facility on diagnosis and contain-
19 ment of likely bioterrorism agents.

20 (c) FELLOWSHIP AGREEMENT.—

21 (1) IN GENERAL.—In awarding a fellowship
22 under the program, the Secretary, in consultation
23 with the Secretary of Health and Human Services,
24 shall require the recipient to enter into an agree-

1 ment under which, in exchange for such assistance,
2 the recipient—

3 (A) will maintain satisfactory academic
4 progress (as determined in accordance with reg-
5 ulations issued by the Secretary and confirmed
6 in regularly scheduled updates to the Secretary
7 from the institution providing the education or
8 training on the progress of the recipient’s edu-
9 cation or training);

10 (B) will, upon completion of such edu-
11 cation or training, return to the recipient’s
12 country of nationality or last habitual residence
13 (if it is an eligible developing country) and com-
14 plete at least four years of employment in a
15 public health position in the government or a
16 nongovernmental, not-for-profit entity in that
17 country or, with the approval of the Secretary,
18 complete part or all of this requirement through
19 service with an international health organiza-
20 tion without geographic restriction; and

21 (C) agrees that, if the recipient is unable
22 to meet the requirements described in subpara-
23 graph (A) or (B), the recipient will reimburse
24 the United States for the value of the assist-
25 ance provided to the recipient under the fellow-

1 ship, together with interest at a rate deter-
2 mined in accordance with regulations issued by
3 the Secretary but not higher than the rate gen-
4 erally applied in connection with other Federal
5 loans.

6 (2) WAIVER AUTHORITY.—The Secretary may
7 waive the application of subparagraphs (B) and (C)
8 of paragraph (1) if the Secretary determines that it
9 is in the national interest of the United States to do
10 so.

11 (d) IMPLEMENTATION.—The Secretary, in consulta-
12 tion with the Secretary of Health and Human Services,
13 is authorized to enter into an agreement with any eligible
14 developing country under which the country agrees—

15 (1) to establish a procedure for the nomination
16 of eligible nationals for fellowships under this sec-
17 tion;

18 (2) to guarantee that a fellow will be offered a
19 professional public health position within the country
20 upon completion of his studies; and

21 (3) to certify to the Secretary when a fellow has
22 concluded the minimum period of employment in a
23 public health position required by the fellowship
24 agreement, with an explanation of how the require-
25 ment was met.

1 (e) PARTICIPATION OF UNITED STATES CITIZENS.—

2 On a case-by-case basis, the Secretary may provide for the
3 participation of United States citizens under the provi-
4 sions of this section if the Secretary determines that it
5 is in the national interest of the United States to do so.
6 Upon completion of education or training as a fellow under
7 this section, a United States citizen shall complete at least
8 5 years of employment in a public health position in an
9 eligible developing country or an international health orga-
10 nization.

11 **SEC. 207. IN-COUNTRY TRAINING IN LABORATORY TECH-**
12 **NIQUES AND SYNDROME SURVEILLANCE.**

13 (a) IN GENERAL.—In conjunction with the Centers
14 for Disease Control and Prevention and the Department
15 of Defense, the Secretary shall, subject to the availability
16 of appropriations, support short training courses in-coun-
17 try (not in the United States) for laboratory technicians
18 and other public health personnel from eligible developing
19 countries in laboratory techniques relating to the identi-
20 fication, diagnosis, and tracking of pathogens responsible
21 for possible infectious disease outbreaks. Training under
22 this section may be conducted in overseas facilities of the
23 Centers for Disease Control and Prevention or in Overseas
24 Medical Research Units of the Department of Defense, as
25 appropriate. The Secretary shall coordinate such training

1 courses, where appropriate, with the existing programs
 2 and activities of the World Health Organization.

3 (b) TRAINING IN SYNDROME SURVEILLANCE.—In
 4 conjunction with the Centers for Disease Control and Pre-
 5 vention and the Department of Defense, the Secretary
 6 shall, subject to the availability of appropriations, estab-
 7 lish and support short training courses in-country (not in
 8 the United States) for public health personnel from eligi-
 9 ble developing countries in techniques of syndrome surveil-
 10 lance reporting and rapid analysis of syndrome informa-
 11 tion using Geographic Information System (GIS) and
 12 other Internet-based tools. Training under this subsection
 13 may be conducted via the Internet or in appropriate facili-
 14 ties as determined by the Secretary. The Secretary shall
 15 coordinate such training courses, where appropriate, with
 16 the existing programs and activities of the World Health
 17 Organization.

18 **SEC. 208. ASSISTANCE FOR THE PURCHASE AND MAINTENANCE OF PUBLIC HEALTH LABORATORY**
 19 **EQUIPMENT.**
 20

21 (a) AUTHORIZATION.—The President is authorized,
 22 on such terms and conditions as the President may deter-
 23 mine, to furnish assistance to eligible developing countries
 24 to purchase and maintain public health laboratory equip-
 25 ment described in subsection (b).

1 (b) EQUIPMENT COVERED.—Equipment described in
2 this subsection is equipment that is—

3 (1) appropriate, where possible, for use in the
4 intended geographic area;

5 (2) necessary to collect, analyze, and identify
6 expeditiously a broad array of pathogens, including
7 mutant strains, which may cause disease outbreaks
8 or may be used as a biological weapon;

9 (3) compatible with general standards set forth,
10 as appropriate, by the World Health Organization
11 and the Centers for Disease Control and Prevention,
12 to ensure interoperability with regional and inter-
13 national public health networks;

14 (4) necessary to secure and monitor pathogen
15 collections containing select agents; and

16 (5) not defense articles or defense services.

17 (c) RULE OF CONSTRUCTION.—Nothing in this sec-
18 tion shall be construed to exempt the exporting of goods
19 and technology from compliance with applicable provisions
20 of the Export Administration Act of 1979 (50 U.S.C. App.
21 2401 et seq.) (or successor statutes).

22 (d) LIMITATION.—Amounts appropriated to carry
23 out this section shall not be made available for the pur-
24 chase from a foreign country of equipment that, if made
25 in the United States, would be subject to the Arms Export

1 Control Act (22 U.S.C. 2751 et seq.) or likely be barred
 2 or subject to special conditions under the Export Adminis-
 3 tration Act of 1979 (50 U.S.C. App. 2401 et seq.) (or
 4 successor statutes).

5 (e) HOST COUNTRY'S COMMITMENTS.—The assist-
 6 ance provided under this section shall be contingent upon
 7 the host country's commitment to provide the resources,
 8 infrastructure, and other assets required to house, main-
 9 tain, support, secure, monitor, and maximize use of this
 10 equipment and appropriate technical personnel.

11 **SEC. 209. ASSISTANCE FOR IMPROVED COMMUNICATION**
 12 **OF PUBLIC HEALTH INFORMATION.**

13 (a) ASSISTANCE FOR PURCHASE OF COMMUNICATION
 14 EQUIPMENT AND INFORMATION TECHNOLOGY.—The
 15 President is authorized to provide, on such terms and con-
 16 ditions as the President may determine, assistance to eligi-
 17 ble developing countries for the purchase and maintenance
 18 of communications equipment and information technology
 19 described in subsection (b), and supporting equipment,
 20 necessary to effectively collect, analyze, and transmit pub-
 21 lic health information.

22 (b) COVERED EQUIPMENT.—Equipment (and infor-
 23 mation technology) described in this subsection is equip-
 24 ment that—

1 (1) is suitable for use under the particular con-
2 ditions of the area of intended use;

3 (2) meets appropriate World Health Organiza-
4 tion standards to ensure interoperability with like
5 equipment of other countries and international
6 health organizations; and

7 (3) is not defense articles or defense services.

8 (c) RULE OF CONSTRUCTION.—Nothing in this sec-
9 tion shall be construed to exempt the exporting of goods
10 and technology from compliance with applicable provisions
11 of the Export Administration Act of 1979 (50 U.S.C. App.
12 2401 et seq.) (or successor statutes).

13 (d) LIMITATION.—Amounts appropriated to carry
14 out this section shall not be made available for the pur-
15 chase from a foreign country of equipment that, if made
16 in the United States, would be subject to the Arms Export
17 Control Act or likely be barred or subject to special condi-
18 tions under the Export Administration Act of 1979 (50
19 U.S.C. App. 2401 et seq.) (or successor statutes).

20 (e) ASSISTANCE FOR STANDARDIZATION OF REPORT-
21 ING.—The President is authorized to provide, on such
22 terms and conditions as the President may determine,
23 technical assistance and grant assistance to international
24 health organizations to facilitate standardization in the re-
25 porting of public health information between and among

1 developing countries and international health organiza-
 2 tions.

3 (f) HOST COUNTRY'S COMMITMENTS.—The assist-
 4 ance provided under this section shall be contingent upon
 5 the host country's commitment to provide the resources,
 6 infrastructure, and other assets required to house, sup-
 7 port, maintain, secure, and maximize use of this equip-
 8 ment and appropriate technical personnel.

9 **SEC. 210. ASSIGNMENT OF PUBLIC HEALTH PERSONNEL TO**
 10 **UNITED STATES MISSIONS AND INTER-**
 11 **NATIONAL ORGANIZATIONS.**

12 (a) IN GENERAL.—Upon the request of a United
 13 States chief of diplomatic mission or an international
 14 health organization, and with the concurrence of the Sec-
 15 retary, the head of a Federal agency may assign to the
 16 respective United States mission or organization any offi-
 17 cer or employee of the agency occupying a public health
 18 position within the agency for the purpose of enhancing
 19 disease and pathogen surveillance efforts in developing
 20 countries.

21 (b) REIMBURSEMENT.—The costs incurred by a Fed-
 22 eral agency by reason of the detail of personnel under sub-
 23 section (a) may be reimbursed to that agency out of the
 24 applicable appropriations account of the Department of
 25 State if the Secretary determines that the relevant agency

1 may otherwise be unable to assign such personnel on a
2 non-reimbursable basis.

3 **SEC. 211. EXPANSION OF CERTAIN UNITED STATES GOV-**
4 **ERNMENT LABORATORIES ABROAD.**

5 (a) IN GENERAL.—Subject to the availability of ap-
6 propriations, the Centers for Disease Control and Preven-
7 tion and the Department of Defense shall each—

8 (1) increase the number of personnel assigned
9 to laboratories of the Centers or the Department, as
10 appropriate, located in eligible developing countries
11 that conduct research and other activities with re-
12 spect to infectious diseases; and

13 (2) expand the operations of those laboratories,
14 especially with respect to the implementation of on-
15 site training of foreign nationals and regional out-
16 reach efforts involving neighboring countries.

17 (b) COOPERATION AND COORDINATION BETWEEN
18 LABORATORIES.—Subsection (a) shall be carried out in
19 such a manner as to foster cooperation and avoid duplica-
20 tion between and among laboratories.

21 (c) RELATION TO CORE MISSIONS AND SECURITY.—
22 The expansion of the operations of overseas laboratories
23 of the Centers or the Department under this section shall
24 not—

1 (1) detract from the established core missions
2 of the laboratories; or

3 (2) compromise the security of those labora-
4 tories, as well as their research, equipment, exper-
5 tise, and materials.

6 **SEC. 212. ASSISTANCE FOR REGIONAL HEALTH NETWORKS**
7 **AND EXPANSION OF FOREIGN EPIDEMI-**
8 **LOGY TRAINING PROGRAMS.**

9 (a) **AUTHORITY.**—The President is authorized, on
10 such terms and conditions as the President may deter-
11 mine, to provide assistance for the purposes of—

12 (1) enhancing the surveillance and reporting ca-
13 pabilities of the World Health Organization and ex-
14 isting regional health networks; and

15 (2) developing new regional health networks.

16 (b) **EXPANSION OF FOREIGN EPIDEMIOLOGY TRAIN-**
17 **ING PROGRAMS.**—The Secretary of Health and Human
18 Services is authorized to establish new country or regional
19 Foreign Epidemiology Training Programs in eligible devel-
20 oping countries.

21 **SEC. 213. AVAILABILITY OF FUNDS.**

22 (a) **IN GENERAL.**—Of the funds appropriated to the
23 Department of State for fiscal year 2004, up to
24 \$35,000,000 may be used to carry out this title.

1 (b) ALLOCATION OF FUNDS.—Of the amounts made
2 available under subsection (a)—

3 (1) \$25,000,000 may be used to carry out sec-
4 tions 206, 207, 208, and 209;

5 (2) \$500,000 may be used to carry out section
6 210;

7 (3) \$2,500,000 may be used to carry out sec-
8 tion 211; and

9 (4) \$7,000,000 may be used to carry out sec-
10 tion 212.

11 (c) REPORTING REQUIREMENT.—Not later than 120
12 days after the date of the enactment of this title, the Sec-
13 retary shall, in conjunction with the Secretary of Health
14 and Human Services and the Secretary of Defense, submit
15 to the appropriate congressional committees a report con-
16 taining—

17 (1) a description of the implementation of pro-
18 grams under this title that has been undertaken or
19 is planned; and

20 (2) an estimate of the level of funding required
21 to carry out those programs at a sufficient level.

1 **TITLE III—MISCELLANEOUS**
2 **PROVISIONS**

3 **SEC. 301. AUTHORITY TO TRANSFER NAVAL VESSELS TO**
4 **CERTAIN FOREIGN COUNTRIES.**

5 (a) **AUTHORITY TO TRANSFER BY GRANT.**—The
6 President is authorized to transfer vessels to foreign coun-
7 tries on a grant basis under section 516 of the Foreign
8 Assistance Act of 1961 (22 U.S.C. 2321(j)) as follows:

9 (1) The **OLIVER HAZARD PERRY** class
10 guided missile frigate **USS GEORGE PHILIP**
11 (**FFG 12**) to the Government of Bahrain.

12 (2) The **OLIVER HAZARD PERRY** class
13 guided missile frigate **USS SIDES** (**FFG 14**) to the
14 Government of Portugal.

15 (b) **AUTHORITY TO TRANSFER BY SALE.**—The Presi-
16 dent is authorized to transfer the **SPRUANCE** class de-
17 stroyer **FLETCHER** (**DD 992**) to the Government of
18 Chile on a sales basis under section 21 of the Arms Export
19 Control Act (22 U.S.C. 2761).

20 (c) **GRANTS NOT COUNTED AGAINST AGGREGATE**
21 **VALUE OF TRANSFERRED EXCESS DEFENSE ARTI-**
22 **CLES.**—The value of a vessel transferred to another coun-
23 try on a grant basis under section 516 of the Foreign As-
24 sistance Act of 1961 (22 U.S.C. 2321j) pursuant to au-
25 thority provided by subsection (a) shall not be counted for

1 the purposes of subsection (g) of that section in the aggre-
2 gate value of excess defense articles transferred to coun-
3 tries under that section in any fiscal year.

4 (d) COSTS OF TRANSFERS.—Any expense incurred by
5 the United States in connection with a transfer authorized
6 to be made on a grant basis under subsection (a) shall
7 be charged to the recipient (notwithstanding section
8 516(e)(1) of the Foreign Assistance Act of 1961 (2 U.S.C.
9 2321j(e)(1))).

10 (e) REPAIR AND REFURBISHMENT IN UNITED
11 STATES SHIPYARDS.—To the maximum extent prac-
12 ticable, the President shall require, as a condition of the
13 transfer of a vessel under this section, that the country
14 to which the vessel is transferred have such repair or re-
15 furbishment of the vessel as is needed, before the vessel
16 joins the naval forces of that country, performed at a ship-
17 yard located in the United States, including a United
18 States Navy shipyard.

19 (f) EXPIRATION OF AUTHORITY.— The authority to
20 transfer a vessel under this section shall expire at the end
21 of the 2-year period beginning on the date of the enact-
22 ment of this Act.

Calendar No. 392

108TH CONGRESS
1ST SESSION

S. 1866

A BILL

To enhance the security of the United States and
United States allies.

NOVEMBER 17, 2003

Read the second time and placed on the calendar